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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,622	01/04/2002	Jacques Brosse	024118-00013	8733

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WASHINGTON, DC 20036

EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 05/06/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/936,622

Applicant(s)

BROSSE ET AL.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 11, 14-16, 21, 24-27, 29-31, 34 and 38 is/are rejected.
- 7) ☒ Claim(s) 7-10, 12, 13, 17-20, 22, 28, 32, 33, 35-37 and 40-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This Office action is in response to the amendment filed February 11, 2003 in which claim 23 was canceled and claims 1, 5-6, 14, 17, 21, 24-25, 31-32, and 34-45 were amended.

The previous rejection of the claims under 35 USC 112, second paragraph is withdrawn in view of the amendment to the claims.

The rejection of claims 31 and 32 under 35 USC 103 (a) is withdrawn in view of the amendment to the claims.

The rejection of claims 1-3 under 35 USC 102(b) is withdrawn in view of the amendment to the claims.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 6, 14-16, 24, 25, 34, 38, 39 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the Markush group contains "sulfonic acid groups", twice. How a hydroxyl group (-OH) may be a monomer is not understood. In the third to the last line of the claim, shouldn't heterocyclic vinyl compound be a separate compound?

Claim 5 is rejected because at line 4, -- or -- should follow the term "sulfomethylated". At line 5, the term -- and -- should appear before "chloromethylated" and the term "and " that appears after "chloromethylated" should read -- or --.

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In claim 6, line 9, the term "type" is indefinite.

Claim 11 is rejected because the claim recites that the hydrophilic agent is optional whereas claim 1 recites that the agent is a required component.

Claims 14-16 are rejected because there is no antecedent support in claim 1 for "other agent or agents".

Claim 24 is rejected because claim 1 has not set forth the limitation regarding a hydroscopic agent. The first occurrence of superabsorbent 2 is different from the second occurrence. Clarification is required. For superabsorbent 3, it is not clear what compound is being claimed, i.e., 2-(idern)-methacrylate.

In claim 25, is 200g/kg hide of superabsorbent referring to the amount of reticulated acrylamide/acrylate?

In claim 34, the terms "methacrylic acid" appears twice.

In claim 38, is (meth)acrylic sulfonic acids (sulfopropyl(meth)acrylate one compound?

Claim 39 is rejected because it is not clear what is being claimed. Are the polymers formed from the alcohols glycols, glycerol and polyoxyalkylene polyols?

In claim 41, should "morpho-linalkyl" be hyphenated?

Claim 42 is objected to because there is no open parenthesis for the last closed parenthesis that appears in the claim.

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***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

4. Claims 1-3, 5, 21, 26, 27, 29, 30, 31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by SU 494409.

SU teaches a composition for preservation of hides comprising 20-40g of NaCl, 0.002-0.008 hydroquinone (preservative) and 5-15 g/l of acrylic acid polymer. See abstract in its entirety.

SU does not specifically teach the residual moisture of the hide (claim 2 and 3); however, since SU teaches the same composition as Applicant, SU would inherently meet the residual moisture limitation.

Accordingly, SU teaching all the material limitations of the claims, anticipates the claims.

5. Claims 7-10, 12, 13, 17-20, 22, 28, 32, 33, 35-37 and 40-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach mixtures of SAP, grain size of SAP, additional hydrophilic agents, bactericides, hygroscopic agents, preservatives and the specific SAPs of the claims.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

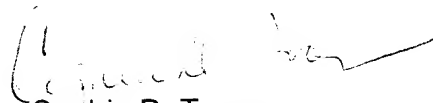
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Cephia D. Toomer  
Primary Examiner  
Art Unit 1714

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May 1, 2003